

Message Text

PAGE 01 STATE 175938

62

ORIGIN ACDA-10

INFO OCT-01 NSC-05 DODE-00 PM-04 SS-15 ERDA-05 AF-08

ARA-06 CIAE-00 EA-07 EUR-12 H-02 INR-07 IO-13 L-03

NASA-01 NEA-10 NSAE-00 OIC-02 SP-02 PA-01 PRS-01

OES-06 USIA-06 SAJ-01 ISO-00 /128 R

DRAFTED BY ACDA/IR:REINHORN

APPROVED BY ACDA/IR:LSLOSS

NSC:DELLIOTT

OSD/ISA:DMAHLBERG

PM/DCA:JSALMON

C:JMONTGOMERY

ACDA/NTB:RROCHLIN

ACDA/GC:MMAZEAU

S/S - CABORG

ACDA/IR:DBLACK

----- 029429

P 152322Z JUL 76

FM SECSTATE WASHDC

TO USMISSION GENEVA PRIORITY

AMEMBASSY LONDON PRIORITY

C O N F I D E N T I A L STATE 175938

E.O. 11652:GDS

TAGS: PARM, CCD, US, UK

SUBJECT: CCD -- COMMENTS ON REVISED UK DRAFT CW TREATY

REFS: (A) GENEVA 5428; (B) GENEVA 5395; (C) STATE 160354

1. ADDRESSEES SHOULD EXPRESS APPRECIATION TO BRITISH FOR INCORPORATING SEVERAL OF OUR SUGGESTIONS REGARDING FIRST DRAFT OF THEIR CW TREATY, AND FOR GIVING US OPPORTUNITY TO PROVIDE VIEWS ON REVISED DRAFT (REF (B)), AND SHOULD CONVEY CONFIDENTIAL

PAGE 02 STATE 175938

FOLLOWING COMMENTS ON SPECIFIC ARTICLES OF THAT TEXT ASAP TO UK CCD DEL AND FCO RESPECTIVELY. (FOR LONDON: UK CCD DEL EXPRESSED HOPE TO US DEL THAT COMMENTS COULD REACH FCO BY FRIDAY, JULY 16, SO THEY COULD BE GIVEN ADEQUATE CONSIDERA-

TION IN FINAL CLEARANCE PROCESS WITHIN HMG). ADDRESSEES SHOULD REITERATE THAT, UNTIL THE US GOVERNMENT REACHES DECISIONS ON SEVERAL IMPORTANT ASPECTS OF THE CW QUESTION, WE WOULD NOT BE ABLE TO TAKE DEFINITIVE POSITIONS ON RELEVANT AREAS OF DRAFT CONVENTION, PARTICULARLY ARTICLES I AND V.

2. ARTICLE I.

(A) WE NOTE THAT A PROHIBITION ON "USE" HAS BEEN ADDED TO THE PROHIBITIONS CONTAINED IN ARTICLE I. WE BELIEVE THAT INCLUSION OF A BAN ON CW USE IN THIS CONTEXT COULD LEAD TO UNCERTAINTIES REGARDING THE RELATIONSHIP OF THE GENEVA

PROTOCOL TO THE PRESENT DRAFT, AND WE WOULD THEREFORE PREFER THAT THE REFERENCE TO "USE" BE DELETED.

(B) IT APPEARS TO US THAT THE ARTICLE I UNDERTAKING NEVER IN ANY CIRCUMSTANCES TO STOCKPILE OR RETAIN CHEMICAL WEAPONS MAY NOT BE CONSISTENT WITH THE ARTICLE V PROVISION ON STOCKPILE DESTRUCTION, WHICH SEEMS TO ENVISAGE THE RETENTION, AT LEAST TEMPORARILY, OF SOME CW STOCKS IN ACCORDANCE WITH A PHASED DESTRUCTION PROGRAM. PERHAPS UNDERTAKINGS IN ARTICLE I COULD BE DIVIDED INTO TWO SECTIONS--AN UNDERTAKING NEVER, IN ANY CIRCUMSTANCES, TO DEVELOP, PRODUCE, OR OTHERWISE ACQUIRE THE SPECIFIED CW AND AN UNDERTAKING (PERHAPS AS A REPLACEMENT FOR ARTICLE V) FOR PARTIES POSSESSING CW TO DESTROY OR CONVERT THEM TO PEACEFUL USES UNDER INTERNATIONAL OBSERVATION ACCORDING TO A PHASED PROGRAM.

(C) AS POINTED OUT PREVIOUSLY (REF C), WE WOULD BE INTERESTED IN CLARIFICATION OF ANY DISTINCTION INTENDED BETWEEN "LETHAL" AND "TOXIC" AS USED IN PARAGRAPH 1. WE WOULD ALSO LIKE TO KNOW IF THE UK PLANS TO INCLUDE DEFINITIONS, BASED ON TOXICITY OR OTHER TECHNICAL CRITERIA, IN AN ANNEX.

(D) WE HAVE SOME DOUBTS THAT THE PHRASE "HAVING NO JUSTIFICATION FOR PEACEFUL PURPOSES" IN PARAGRAPH 1 EXPRESSES CLEARLY ENOUGH THE CONCEPT OF A GENERAL PURPOSE CRITERION. DUAL PURPOSE AGENTS WOULD, OF COURSE, HAVE SOME "JUSTIFICATION" FOR PEACEFUL PURPOSES. PERHAPS AN ALTERNATIVE FORMULATION COULD BE DEVELOPED.

PAGE 03 STATE 175938

(E) REFERENCE TO "HOSTILE PURPOSES" IN PARAGRAPH 2 COULD LEAD TO UNINTENTIONAL RESTRICTIONS ON USE OF CERTAIN TOXIC CHEMICALS, SUCH AS SOME ROCKET FUELS, FOR NON-CW MILITARY PURPOSES.

(F) WE ARE STILL UNCLEAR AS TO INTENDED TREATMENT OF PRECURSORS USED IN MULTICOMPONENT WEAPONS. PERHAPS PARAGRAPH

1 COULD BE EXPANDED SO AS TO INDICATE THAT PRECURSORS FOR ALL CW AGENTS PROSCRIBED BY THE TREATY WOULD ALSO BE COVERED. (OF COURSE, A FORMULATION WOULD HAVE TO BE DEVELOPED THAT WOULD BAN THE PRODUCTION OF CHEMICAL PRECURSORS FOR USE IN CHEMICAL WEAPONS WITHOUT INTERFERING WITH THE PRODUCTION OF PRECURSORS TO BE USED IN THE CHEMICAL INDUSTRY.)

3. ARTICLE II.

(A) AS PREVIOUSLY STATED, WE BELIEVE THE INFORMATION TO BE SUPPLIED UNDER SUB-PARA B SHOULD PERTAIN TO ALL FACILITIES CAPABLE OF PRODUCING SUPER-TOXIC AGENTS, RATHER THAN TO ALL FACILITIES CAPABLE OF PRODUCING AGENTS SPECIFIED IN ARTICLE I (AS IN REVISED DRAFT). IN ANY EVENT, WE BELIEVE THE TERM "OFFENSIVE PURPOSES" MIGHT LEAD TO AMBIGUITIES AND SHOULD THEREFORE BE REPLACED BY "HOSTILE PURPOSES." IN ADDITION, THE PHRASE "NOT TO CONVERT THEM" SEEMS TO REFER TO FACILITIES CAPABLE OF PRODUCING DUAL PURPOSE AGENTS. STRICTLY SPEAKING, NO "CONVERSION" WOULD BE NECESSARY FOR THESE FACILITIES TO PRODUCE CHEMICAL WARFARE AGENTS. PERHAPS LATTER PART OF SENTENCE MIGHT READ "AND NOT TO USE ANY SUCH FACILITIES FOR THE PRODUCTION OF CHEMICAL AGENTS FOR HOSTILE PURPOSES.

(B) WE CONTINUE TO HAVE RESERVATIONS ABOUT THE DESIRABILITY OF REQUIRING PARTIES TO DECLARE AT THE OUTSET WHAT TYPES AND QUANTITIES OF CHEMICAL AGENTS ARE IN THEIR POSSESSION, AS PROVIDED IN SUB-PARA C. OUR RESERVATIONS CONFIDENTIAL

PAGE 04 STATE 175938

ARE BASED LARGELY ON THE CONCERN THAT DATA PROVIDED BY PARTIES, IF NOT CHALLENGED BY OTHER PARTIES, WOULD BE ASSUMED TO HAVE A CERTAIN INTERNATIONAL VALIDITY AND MIGHT SUBSEQUENTLY BE USED AS A BASIS FOR MEASURING PROGRESS TOWARD COMPLETE ELIMINATION OF STOCKS. HOWEVER, THERE WOULD BE NO WAY TO VERIFY THE ACCURACY OF THE DATA PROVIDED.

(C) WE WOULD BE INTERESTED IN KNOWING WHY THE PHRASE "OR FOR DEFENSIVE TRAINING" HAS BEEN ADDED IN BRACKETS IN SUB-PARA D. IT IS QUESTIONABLE WHETHER THE PRODUCTION OF CHEMICAL AGENTS FOR DEFENSIVE TRAINING WOULD EVEN BE PERMITTED UNDER THE "PEACEFUL PURPOSES" CRITERION USED IN ARTICLE I.

(D) WE AGREE WITH THE UK COMMENT THAT THE INFORMATION REQUIRED BY ARTICLE II (D) WOULD HAVE TO BE SET OUT IN GREATER DETAIL.

(E) ON TIMING OF RELEASE OF DATA, WE WOULD EXPECT SOME STATES TO BE RELUCTANT TO PROVIDE DATA BEFORE BEING ASSURED THAT TREATY WOULD ENTER INTO FORCE.

-

4. ARTICLE IV.

IT WOULD SEEM THAT THE PROHIBITION ON TRANSFER SHOULD APPLY NOT ONLY TO THE CHEMICAL AGENTS SPECIFIED IN ARTICLE I, PARA 1, BUT ALSO TO THE WEAPONS, EQUIPMENT OR MEANS OF DELIVERY SPECIFICALLY DESIGNED TO USE SUCH AGENTS, SPECIFIED IN ARTICLE I, PARA 2.

5. ARTICLE V.

(A) REVISED ARTICLE V ENVISAGES THE PHASED DESTRUCTION OF CW STOCKS IN ACCORDANCE WITH A DEFINITE PROGRAM TO BE DETERMINED AT A LATER DATE BY MEMBERS OF THE CONSULTATIVE COMMITTEE. HOWEVER, WE MIGHT EXPECT SOME STATES TO BE RELUCTANT TO JOIN AN AGREEMENT UNLESS A SPECIFIC PLAN REGARDING DESTRUCTION OF STOCKS WERE INCLUDED, RATHER THAN DEFERRED FOR SUBSEQUENT CONSIDERATION IN A CONSULTATIVE COMMITTEE. UNCERTAINTY OVER WHAT DECISION-MAKING PROCEDURES THE CONSULTATIVE COMMITTEE WOULD USE IN REACHING AGREEMENT ON A PHASED PROGRAM MIGHT CONTRIBUTE TO THIS RELUCTANCE TO DEFER THE MATTER. PERHAPS AN ANNEX TO THE CONFIDENTIAL

PAGE 05 STATE 175938

TREATY COULD CONTAIN THE DETAILS OF AN AGREED "PHASED PROGRAM." OUR APRIL 13 STATEMENT DISCUSSED ALTERNATIVE MEANS OF EXPRESSING THE AMOUNT OF STOCKS TO BE DESTROYED, BUT WE WISH TO EMPHASIZE THAT THE US HAS NOT YET TAKEN A DECISION ON THIS MATTER.

(B) AS INDICATED PREVIOUSLY, WE BELIEVE IT WOULD BE NECESSARY TO SPECIFY IN DETAIL THE MANNER IN WHICH VERIFICATION OF THE DESTRUCTION PROCESS WOULD BE CARRIED OUT. IN OUR TENTATIVE VIEW, IT WOULD BE DESIRABLE TO INCLUDE PROVISIONS ON THE VERIFICATION OF STOCKPILE DESTRUCTION IN THE AGREEMENT ITSELF, PERHAPS IN AN ANNEX, RATHER THAN WAITING TO WORK OUT ARRANGEMENTS IN THE CONSULTATIVE COMMITTEE.

6. ARTICLE VI.

(A) WE ALSO BELIEVE IT WOULD BE PREFERABLE TO ESTABLISH A CONSULTATIVE COMMITTEE AND TO OUTLINE ITS COMPOSITION, FUNCTIONS, DECISION-MAKING PROCEDURES, AND METHOD OF OPERATION IN THE AGREEMENT ITSELF, RATHER THAN TO LEAVE THESE MATTERS FOR SUBSEQUENT CONSIDERATION. WE THEREFORE FAVOR THE GENERAL APPROACH ADOPTED IN THE VERSION OF ARTICLE VI CONTAINED IN ANNEX A OVER THE APPROACH IN THE VERSION SET OUT IN THE BODY OF THE REVISED DRAFT.

(B) HOWEVER, WHILE WE FAVOR DETAILED TREATMENT OF THE CONSULTATIVE COMMITTEE IN THE AGREEMENT, WHETHER IN THE TREATY TEXT OR AN ANNEX, WE HAVE RESERVATIONS ABOUT SOME OF THE SPECIFIC PROVISIONS CONTAINED IN ANNEXES A AND B. IT MIGHT, FOR EXAMPLE, NOT BE NECESSARY FOR THE CONSULTATIVE COMMITTEE TO MEET AT LEAST ONCE A YEAR. IN GENERAL, WE WOULD PREFER TO AVOID CREATING AN ELABORATE INTERNATIONAL

MECHANISM FOR CW TREATY IMPLEMENTATION. TO THE EXTENT THAT A PERMANENT STAFF IS NEEDED FOR A CONSULTATIVE COMMITTEE, WE BELIEVE THE UN SECRETARIAT (I.E., THE DISARMAMENT AFFAIRS DIVISION) COULD BE CALLED UPON TO PROVIDE THE NECESSARY ASSISTANCE. WE SEE NO NEED FOR ESTABLISHING A SEPARATE, PERMANENT COMMITTEE STAFF. PERHAPS THE TREATY COULD SIMPLY STATE THAT THE UN SECRETARIAT WOULD PROVIDE ANY ASSISTANCE OR SERVICES REQUIRED BY THE CONSULTATIVE COMMITTEE. AS WE POINTED OUT IN OUR APRIL 13 STATEMENT, WE DO NOT FAVOR THE CREATION OF A NEW INTERNATIONAL ORGANIZATION

CONFIDENTIAL

PAGE 06 STATE 175938

TO ASSIST IN IMPLEMENTING A CW AGREEMENT. ACCORDINGLY, WE WOULD PREFER THE GENERAL APPROACH ADOPTED IN ANNEX A TO THAT IN ANNEX B.

7. ARTICLE VII.

(A) SUB-PARA 3 ESTABLISHES AN ANNUAL QUOTA OF ON-SITE INSPECTION VISITS TO THOSE CHEMICAL FACILITIES LISTED UNDER PARAGRAPH D OF ARTICLE II. THE QUESTION ARISES AS TO WHETHER INSPECTION SHOULD BE LIMITED ONLY TO THOSE DECLARED FACILITIES. WHAT IF SUSPICIOUS ACTIVITIES TAKE PLACE AT LOCATIONS NOT LISTED IN ARTICLE II, SUB-PARAGRAPH D? WHILE WE QUESTION WHETHER EITHER A QUOTA SYSTEM OR A SYSTEM OF CHALLENGE INSPECTION WOULD BE OF MORE THAN MARGINAL VALUE IN VERIFYING A CW AGREEMENT, WE WOULD STRONGLY PREFER THE LATTER, AND BELIEVE IN ADDITION THAT CHALLENGE INSPECTION SHOULD NOT BE CONFINED TO LOCATIONS SPECIFIED IN ACCORDANCE WITH ARTICLE II.

(B) THE ON-SITE INSPECTION PROCEDURES PROVIDED FOR IN ARTICLE VII WOULD HAVE TO BE ELABORATED IN DETAIL, PREFERABLY IN AN ANNEX. WHILE SUCH DETAILED PROVISIONS WOULD INCLUDE PROVISIONS REGARDING THE PRIVILEGES AND IMMUNITIES OF INSPECTION PERSONNEL AS ILLUSTRATED IN ARTICLE VII (BIS), WE BELIEVE THEY ALSO WOULD HAVE TO COVER MANY OTHER ASPECTS OF THE INSPECTION PROCESS (E.G., INSTRUMENTS, TIMING, ETC.).

8. ARTICLE VIII

WE AGREE THAT, PENDING RESOLUTION OF THE DEPOSITARY QUESTION, A BLANK MIGHT BE LEFT FOR DEPOSITARY ARRANGEMENTS. KISSINGER

CONFIDENTIAL

<< END OF DOCUMENT >>

Message Attributes

Automatic Decaptioning: X
Capture Date: 15 SEP 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENT DRAFT, TEXT, NUCLEAR AGREEMENTS, AMENDMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 15 JUL 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: coburnhl
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE175938
Document Source: ADS
Document Unique ID: 00
Drafter: ACDA/IR:REINHORN
Enclosure: n/a
Executive Order: 11652 GDS
Errors: n/a
Film Number: D760274-0109
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t197607109/baaaepix.tel
Line Count: 263
Locator: TEXT ON-LINE, TEXT ON MICROFILM
Office: ORIGIN ACDA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: coburnhl
Review Comment: n/a
Review Content Flags:
Review Date: 10 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <10 MAY 2004 by buchant0>; APPROVED <09 SEP 2004 by coburnhl>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: CCD -- COMMENTS ON REVISED UK DRAFT CW TREATY
TAGS: PARM, US, UK, CCD
To: GENEVA
LONDON
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006